REMARKS

Reconsideration and allowance are requested. The Examiner rejected pending claims 1 - 53. No claims have been amended.

A. Rejection of Claims 1–4, 6-7, 9-17, 19-20, 22-30, 33-39, 41-48 and 50-53 rejected under 35 U.S.C. §103(a)

The Examiner maintains the rejection of claims 1-4, 6-7, 9-17, 19-20, 22-30, 33-39, 41-48 and 50-53 under Section 103(a) as being unpatentable over U.S. Pat. No. 5,928,330 to Goetz et al. ("Goetz et al."), in view of U.S. Pat. No. 5,794,018 to Vrvilo et al. ("Vrvilo et al."). Applicants traverse this rejection and respectfully maintain that there is insufficient motivation or suggestion to combine Goetz et al. with Vrvilo et al.

The Examiner argues that in response to Applicants previous arguments that Applicants arguments fail to comply with 37 CFR 1.111(b) and 1.111(c) because they amount to a general allegation that the claims define a patentable invention and they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art. Applicants respectfully note that in the absence of the combination of Goetz et al. and Vrvilo et al., there is no need to discuss the novelty or how the claims patentably distinguish from the references. Section 1.111(b) assumes that a prima facie case of obviousness has been established to reject the claims. Therefore, it is appropriate for Applicants to only to discuss the combination of the prior art references in as much as the evidence will show that there is insufficient motivation to combine these references. Applicants have not amended the claims therefore referenced to 37 CFR 1.111(c) as inapplicable to present status of the prosecution.

The Examiner has set forth a discussion on pages 9 and 10 of the Office Action of criteria to support the combination of Goetz et al. and Vrvilo et al. First, the Examiner cites, as the motivation or suggestion to combine, that both references are for a network-based

environment with clients and server communication. Applicants respectfully submit that

Vrvilo et al. fail to teach a client and server communication network as is asserted by the

Examiner. For example, the Examiner selects out of the 120 columns of Vrvilo et al., col. 42,

lines 47-65, wherein Vrvilo et al. discuss a host processor within a host system and the local

monitor display and equates the local monitor display as the client with the host processor

being the server. Applicants turn the Examiner's attention to Fig. 2, which has corresponding

disclosure associated with the discussion in col. 42, with reference to the host processor 202

and the monitor 106. The Examiner is incorrect in asserting that the local monitor display

106 would be understood by one of skill in the art to be a "client" that communicates over a

network with a "server" host processor 202. As can be seen from Fig. 2, the ISA bus 208

does not even establish a communication path between the host processor 202 and the

monitor 106. Applicants respectfully submit that Fig. 2 illustrates a basic hardware

configuration for the conferencing system of the Vrvilo et al. disclosure. But, Applicants

submit that it is readily understandable by one of skill in the art that the local monitor that is

connected to the host processor 202 is not a "client" that would communication with a server

(or the host processor 202) over a network as is asserted by the Examiner.

Therefore, the Examiner must look elsewhere within the disclosure of Vrvilo et al. to

explain why this disclosure is in the context of a server and client network-based

environment. There is much disclosure in Vrvilo et al. that points away from the client/server

environment. For example, Fig. 1 illustrates conferencing system A100 and conferencing

system B100 which communicate with each other over an ISDN network 110. There are

several monitors 106 that are shown in FIG. 1 connected to these conferencing systems. This

figure further illustrates the error in the Examiner's analysis wherein the Examiner tries to

equate the local monitor display as a client, which it is not. Another reason that the

conferencing network disclosed in Vrvilo et al. does not teach a client-server communication

environment again as shown in the title of Fig. 1 which states "point-to-point conferencing

network". When one studies the disclosure of Vrvilo et al., it becomes clear that the various

components in communications between conferencing systems as taught by Vrvilo et al.

provide for a point-to-point or a peer-to-peer communication environment without clients and

servers as is understood by those of skill in the art. For example, col. 27, lines 1-7, discuss

how system 510 causes a connection and channel to be established by communicating with a

peer TII 510 of a remote conferencing system. Accordingly, within the disclosure of Vrvilo

et al. they reference conferencing systems that can communicate with each other as <u>peers</u>

which differ in functionality from clients communicating with servers. Another example as

found in col. 9, lines 40-46 in which it discusses the communication channel. It can be used

to send and receive data from a <u>peer</u> application during a video call. Channel pairs are

established with a peer application and are referred to by an ID. This provides another

example of where rather than in a server client environment this is a peer-to-peer

environment.

In an another example as found in col. 10, lines 23-26, in which stream support is

discussed and a discussion is found of about how to start the sending the local stream group

to the peer video conferencing application and the associated protocol to accomplish that.

The next paragraph also references again a peer application associated with audio time

stamps. Yet another example is found in col. 15, which discusses control channel

management. Lines 3 and 4 reference how the control channel enables conferencing

application 502 to inform peer of events such as Mute On, and Mute Off and to transfer

arbitrarily sized information. Again, in col. 15, lines 1-20 discuss peer applications several

more times and how information and control information must be passed from one peer

application to another. Again, there is no reference to a client/server environment. Col. 15,

line 55 again references how a snapshot message may be sent to the peer application, when a

still image capture that disables outgoing video streams is in process. Applicants note that

there are yet many more references to peer applications in this disclosure, but what has been provided will suffice.

These references to the disclosure of Vrvilo et al., help to clarify that the conferencing systems that communicate in a peer-to-peer manner and do not implicate or suggest a client server environment as suggested by the Examiner. Accordingly, the very basis for the motivation to combine by the Examiner is erroneous. Applicants again maintain that one of skill in the art would not have motivation to combine these two references based on the difference in their technology, their focus and their purpose.

On page 10 of the Office Action, the Examiner also discusses the second criteria for establishing obviousness which relates to a reasonable expectation of success. The Examiner asserts that there is a reasonable expectation of success because both references aim to achieve the quality of presentation or display at the client or user terminal. Because both are aiming for the common goal to achieve a high quality display at the client or user terminal, the Examiner asserts that there is a reasonable expectation of success. Applicants traverse this reasoning and submit that because the second criterion is based on the erroneous first criteria discussed above. In other words, the foundation under which the Examiner bases the second criterion requires reference to the networked based environment with clients and servers. Applicants have traversed that analysis and shown how the Examiner is incorrect. Because the very foundation upon which the Examiner relies for the reasonable expectation of success does not exist as is explained above, Applicants submit that there is not a sufficient reasonable expectation of success to one of skill in the art, again while these networks differ so much and do have different purposes and different protocols and so forth. Regarding the third criteria, Applicants also maintain their traversal of the analysis that even if combined Goetz et al. and Vrvilo et al., still fail to teach or suggest all of the limitations of claim 1 as previously presented in our response.

Applicants further submit that inasmuch as the Examiner carries the initial burden of establishing a prima *facie case* of obviousness, even if the Examiner was correct in his assertion that Vrvilo et al. references a network-based environment with clients and server communications, that this would clearly still be insufficient to establish a motivation or a suggestion to combine Vrvilo et al. with Goetz et al. This is easily established by noting that if the Examiner were successful in establishing a motivation to combine merely based on a conclusion (which is incorrect in this case) that two references both referred to server/client networks, then any two references that are related to the internet in general or any client server environment would therefore automatically be legally combinable to reject claims. The law of obviousness is clearly not to be interpreted that broadly. In this case, Applicants have addressed the Examiner's assertion that Vrvilo et al. teach a network based environment with clients/server communications and have shown how that conclusion is erroneous. Furthermore, Applicants note that the Examiner has yet to establish a *prima facie* case of obviousness and the evidence against any motivation or suggestion to combine continues to grow. Applicants again remind the Examiner that the standard of proof is only by a preponderance of the evidence and Applicants would respectfully submit that on the whole, Applicants has provided more evidence in the record against the combination to combine than the Examiner has provided in support of the combination to combine.

On page 3 of the Office Action, the Examiner again discusses the obviousness to combine with reference to claim 1 and presents the argument that Vrvilo et al. is in "same field of network-based environment". Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to modify Goetz's system with Vrvilo's teaching technique of requesting the display of presentation data as the quality of displaying data is of concern. Again, Applicants maintain that Vrvilo et al. is not in the same field in as much as the network differs as a peer-to-peer network, instead of a client/server network as is taught in Goetz et al. Therefore, one of skill in the art would not have sufficient motivation

to combine these references. Accordingly, Applicants submit that claim 1 is patentable

because of the insufficient amount of motivation or suggestion to combine Goetz et al. with

Vrvilo et al.

Claim 1 is therefore patentable and in condition for allowance. Claims 2-13 depend

from claim 1 and recite further limitations there from.   Accordingly claims 2-13 are also

patentable over the cited art.

Independent claim 14 and its dependent claims 15-26 are also patentable as well as

independent claim 27 with its dependent claims 28-35. Similarly, independent claim 36 and

dependents claims 37-45 and independent claim 46 and its dependent claims 47-53 are

patentable for the same reasons.

CONCLUSION

Having addressed the rejection of claims 1 -53, Applicants respectfully submit that the

subject application is in condition for allowance and a Notice to that effect is earnestly

solicited.

Respectfully submitted,

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